

## **DRAFT MINUTES**

### **STATE OF NORTH CAROLINA COUNTY OF HENDERSON**

### **BOARD OF COMMISSIONERS JULY 15, 2009**

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 9:00 a.m. in the Commissioners' Meeting Room of the Historic Courthouse on Main Street, Hendersonville.

Those present were: Chairman Bill Moyer, Vice-Chairman Charlie Messer, Commissioner Larry Young, Commissioner Chuck McGrady, Commissioner Mark Williams, County Manager Steve Wyatt, Assistant County Manager Selena Coffey, Attorney Russell Burrell, and Clerk to the Board Teresa L. Wilson.

Also present were: Finance Director Carey McLelland, Captain of Patrol Tim Griffin, IT Director Becky Snyder, Captain Greg Cochran, Planning Director Anthony Starr, Engineer Marcus Jones, Associate County Attorney Sarah Zambon, Planners Autumn Radcliff and Matt Cable, Travel & Tourism Executive Director Melody Heltman, Major Rodney Raines, Research/Budget Analyst Amy Brantley, and PIO Intern Christy DeStefano.

#### **CALL TO ORDER/WELCOME**

Chairman Moyer called the meeting to order and welcomed all in attendance.

#### **PLEDGE OF ALLEGIANCE**

Commissioner Chuck McGrady led the Pledge of Allegiance to the American Flag.

#### **INVOCATION**

Commissioner Mark Williams gave the invocation.

#### **INFORMAL PUBLIC COMMENTS**

There were none.

#### **DISCUSSION/ADJUSTMENT OF AGENDA**

Chairman Moyer requested the addition of two discussion items Secondary Roads and QSCB & QZAB Financing Bonds. He further requested the addition of a closed session for personnel reasons.

*Commissioner McGrady made the motion to approve the agenda with the addition of items noted. All voted in favor and the motion carried.*

#### **CONSENT AGENDA**

*Commissioner Williams made the motion to adopt the consent agenda as presented. All voted in favor and the motion carried.*

Consent Agenda consisted of the following:

##### **Minutes**

Draft minutes were presented for board review and approval of the following meetings(s):

June 29, 2009 – Special Called Meeting

July 6, 2009 – Regularly Scheduled Meeting

##### **Tax Collector's Report**

Deputy Tax Collector Carol McCraw had presented the Tax Collector's Report to the Commissioners dated July 8, 2009 for information only. No action was required.

DATE APPROVED:

**Non-profit Performance Agreements**

Subsequent to the approval of the FY 2009-2010 Budget, staff has distributed the funding agreements to the non-profits agencies receiving County allocations. Staff will be including signed funded agreements on the Board's consent agenda as they are received from the agencies.

**Funding Agreements:**

1. Dispute Settlement Center
2. Partnership for Economic Development
3. WCCA Grant Match
4. WCCA Medical Transportation

**Suggested Motion:**

*I move the Board authorizes the Chairman to execute the funding agreements provided and, in doing so, authorize the release of the first of the aforementioned agencies' quarterly allotments.*

**Appointment of Tax Collector**

If the Board is so inclined, the following motion is suggested:

**Suggested Motion:**

*I move that the Board appoints Stan Duncan as Tax Collector for a term of one year, or until his successor is appointed by this Board.*

**Water Line Extension – Mt. Home Commercial Park**

The City of Hendersonville has requested that the County comment on the proposed water line extension for Mt. Home Commercial Park. The proposed water line is 1280 linear feet. The projects' location within the industrial area and urban services area is consistent with the Henderson County 2020 Comprehensive Plan. A City of Hendersonville Project Summary Sheet, with backup documents and County Review Sheet with Staff comments, were provided for Board review and action.

Action by the Board of Commissioners is needed to either grant or deny this request. If the Board decides to approve the requested extension the following motion has been provided.

**Suggested Motion:**

*I move that the Board approves the Mt. Home Commercial Park water line extension and direct Staff to convey the County's comments to the City of Hendersonville.*

**NOMINATIONS****Nominations**

1. CJPP (Criminal Justice Partnership Program) – 2 vac.

There were no nominations at this time so this item was rolled to the next meeting.

2. Dana Community Plan Advisory Committee – 12 vac.

Commissioner Mark Williams nominated the following at a previous meeting. Lee Roy Nicholson for position #1, Kim Arrowood for position #2, Roger Byers for position #3, Daniel McConnell for position #4, Harry Fozzard for position #5, Thomas Thompson for position #6, James M. Revis for position #7, Evelyn King for position #8, Jeff Justus for position #9 and Tommy Laughter for position #10. Commissioner Young nominated Norma Pryor. Chairman Moyer noted that positions 10, 11 & 12 were ex-officio / non-voting positions. The Planning Board recommended Tommy Laughter for position #10, Blue Ridge Community College recommended Matt Matteson for position #11, and the City of Hendersonville recommended Tim Murphy for position #12. *Chairman Moyer made the motion to accept the three recommended appointments by acclamation. All voted in favor and the motion carried.* There were 10 nominations for the remaining 9 positions and the Board was polled with the following results:

Larry Young	Charlie Messer	Bill Moyer	Mark Williams	Chuck McGrady
Lee Roy Nicholson	Lee Roy Nicholson	Lee Roy Nicholson	Lee Roy Nicholson	Lee Roy Nicholson
Kim Arrowood	Kim Arrowood	Kim Arrowood	Kim Arrowood	Kim Arrowood
Roger Byers	Roger Byers	Roger Byers	Roger Byers	Roger Byers
Daniel McConnell	Daniel McConnell	Daniel McConnell	Daniel McConnell	Daniel McConnell
Harry Fozzard	Harry Fozzard	Harry Fozzard	Harry Fozzard	Harry Fozzard
Thomas Thompson	Thomas Thompson	Thomas Thompson	Thomas Thompson	Thomas Thompson
James M. Revis	James M. Revis	James M. Revis	James M. Revis	James M. Revis
Norma Pryor	Norma Pryor	Norma Pryor	Norma Pryor	Norma Pryor
Jeff Justus	Jeff Justus	Jeff Justus	Jeff Justus	Jeff Justus

*Chairman Moyer made the motion to accept Lee Roy Nicholson, Kim Arrowood, Roger Byers, Daniel McConnell, Harry Fozzard, Thomas Thompson, James M. Revis, Norma Pryor and Jeff Justus by acclamation. All voted in favor and the motion carried.*

*Chairman Moyer made the motion that the terms of the positions be for the period necessary to complete the work. All voted in favor and the motion carried.*

3. Fire and Rescue Advisory Committee – 1 vac.

There were no nominations at this time so this item was rolled to the next meeting.

4. Henderson County Board of Health – 1 vac.

There were no nominations at this time so this item was rolled to the next meeting.

5. Henderson County Historic Courthouse Corporation – 5 vac.

There were no nominations at this time so this item was rolled to the next meeting.

6. Hendersonville City Zoning Board of Adjustment – 1 vac.

There were no nominations at this time so this item was rolled to the next meeting.

7. Historic Resources Commission – 1 vac.

There were no nominations at this time so this item was rolled to the next meeting.

8. Jury Commission – 1 vac.

There were no nominations at this time so this item was rolled to the next meeting.

9. Juvenile Crime Prevention Council – 10 vac.

There were no nominations at this time so this item was rolled to the next meeting.

10. Senior Volunteer Services Advisory Council – 1 vac.

There were no nominations at this time so this item was rolled to the next meeting.

## **SECONDARY ROADS**

Chairman Moyer stated that the Board of Commissioners held their annual meeting with the NCDOT; Conrad Burrell, #14 Division Head was present with a bulk of his staff. They presented to the Board their plan for spending in Henderson County in the next fiscal year. Due to economic conditions there would be no new monies allocated for secondary road paving projects in the coming year. A review was presented of the existing schedule of projects and NCDOT indicated that the bulk of the projects would be completed with money they have including Stepp Avenue and Cummings Road but with the exception of Howard Gap, Section B, which there are no funds available. With respect to stimulus monies, Henderson County did not seem to receive a fair allotment due to the method used for prioritizing projects.

## **QZAB AND QSCB FINANCING BONDS**

County Manager Steve Wyatt stated at the last meeting Finance Director Carey McLelland presented information in regards to two forms of stimulus money that would be available, no interest loans. The Board of Commissioners responded with a request to the School Board to take action on both the QZAB

July 15, 2009

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and the QSCB. The School Board called a special called meeting and approved both resolutions which must go before the Local Government Commission. Mr. Wyatt felt that it would be difficult to make the timeframe with the QZAB's with the participation that is required.

Finance Director Carey McLelland noted at the last meeting the Board voted to give staff and the Chairman authority to make application. He shared information from the School Board with regards to what projects the monies would be used for. The projects are part of the \$4.8 million capital list the Board of Commissioners continue to work from. The QSCB's (\$2 million) are for a two year term and the monies may be available again in 2010 for application.

Chairman Moyer questioned if work could start prior to the money being issued with this type bond.

County Attorney Russ Burrell stated the reimbursement resolution provided at this meeting allowed work to begin.

Commissioner Williams noted that if qualifications are met for the \$4 million at zero interest this would be a savings for the county of a little over \$930,000.00 over the life of the loan.

Chairman Moyer stated that none of the projects or durations changed; only the method of financing.

### **BLUE RIDGE COMMUNITY HEALTH SERVICES NEW FACILITY PLANS**

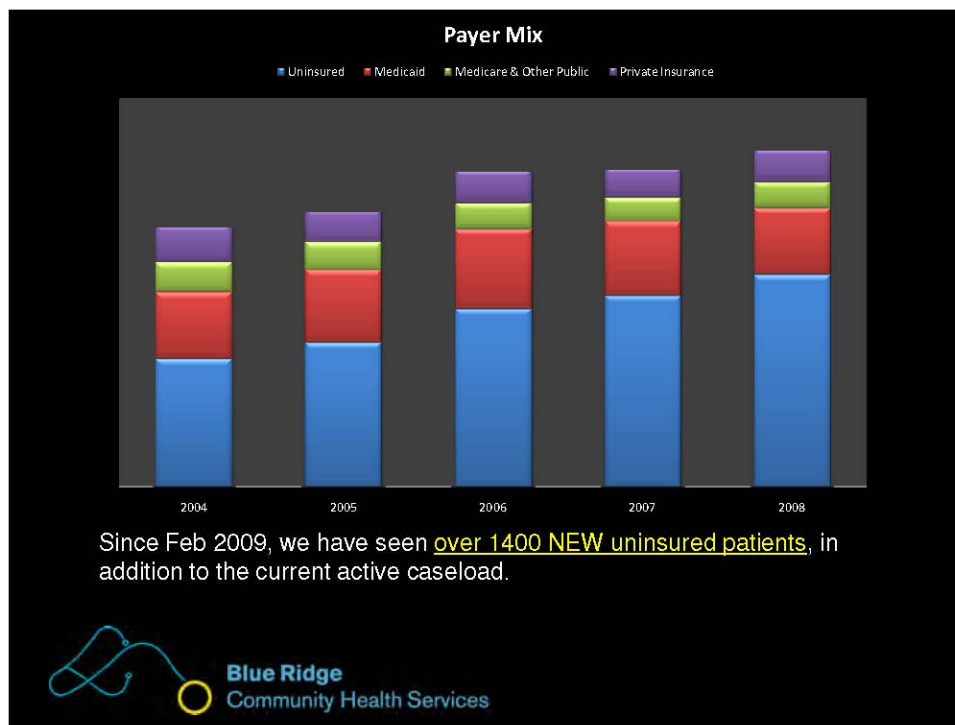
Jennifer Henderson, CEO of Blue Ridge Community Health Services (BRCHS), discussed plans for a new 30,000 square foot facility on the BRCHS campus at Highway 64 and Howard Gap Road. The building will house the Kate B. Reynolds Children's Center, Blue Ridge Family Practice, mental health services, a pharmacy, and a 120-seat community room, as well as space for various medical support services, including radiology and laboratory services, which will be available through a joint venture with Pardee Hospital. Dental services will continue to be provided at the Williams Stokes Dental Center on the BRCHS campus. A resolution of support was adopted by the Commissioners and is attached hereto as a part of the minutes.

### Blue Ridge Community Health Services

- Comprehensive **family medical care** for all ages, including treatment of acute illnesses and minor injuries, management of chronic diseases, complete physical exams, women's health services, minor office procedures
- Comprehensive **pediatric care** from birth to late adolescence, including school physicals, treatment of both acute and minor illnesses, management of chronic diseases, well child/preventive care exams, immunizations, in both office and school based settings
- **Dental care** for both adults and children, including basic restorative services, periodontal care, diagnostic, preventive cleanings, pain relief, extractions, and emergency dental services
- A complete range of **mental health** counseling for adults and children. Working in concert with medical staff, the problems they help with include depression, anxiety & panic disorders, anger, abuse, family violence, parenting concerns, pain management, and eating disorders
- 340B **Pharmacy** & medication assistance programs
- Migrant/seasonal farm worker medical **Outreach**, translation/interpretive services, community education, patient education, food bank, eligibility assistance, and transportation



**Blue Ridge**  
Community Health Services

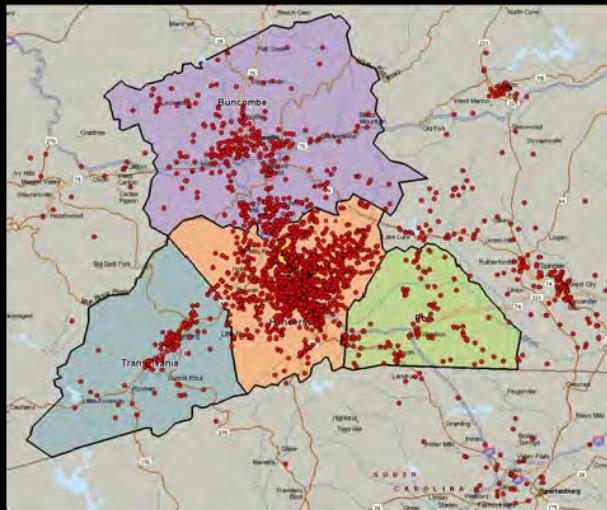


### Uninsured Patients

- 31% of our uninsured patients are employed, but their employer does not (or cannot) offer affordable health insurance.
- Top seven employment industries for those employed and uninsured (in order of frequency)
  - Agriculture
  - Restaurants
  - Construction/Trades
  - Grocery
  - Retail
  - Hotel
  - Healthcare



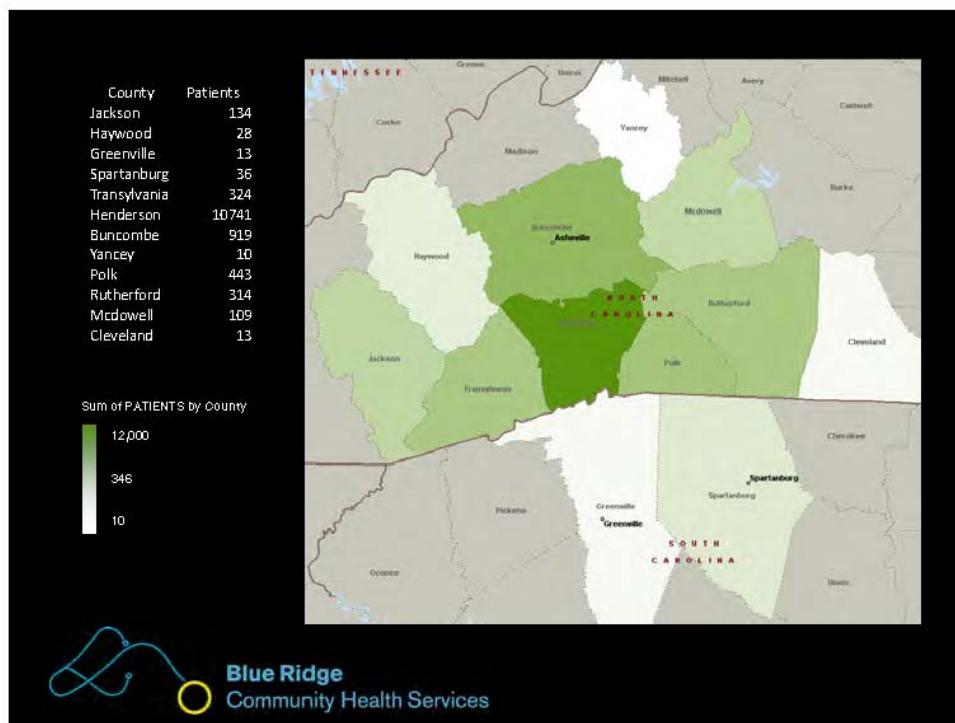
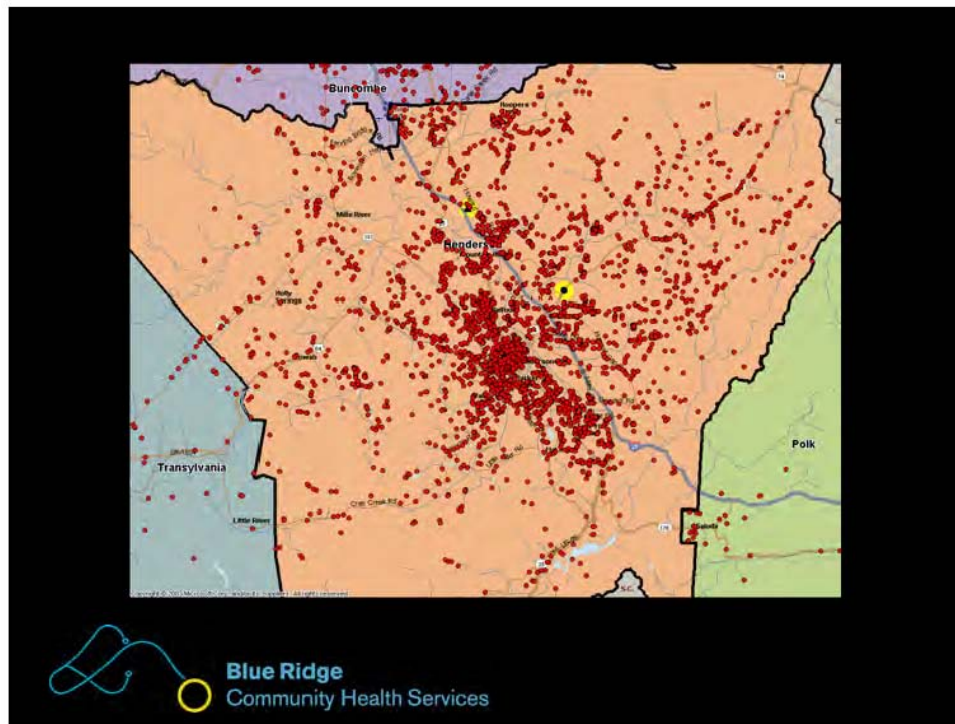
### Primary Service Area



Each dot represents a patients served in that household in 2008







## The Need for a New Home.



### Existing Facilities

#### *Family Medicine Building*

- 17,873 sf
- Core structure of the current family medicine building is a 60 year old farmhouse.
- Trailers were added in 1983 (26 years ago, with 10 year warranty)
- Two additions were added on either end in early 1990's
- The wheelchair ramp is 96 feet long. Some areas are not handicap accessible.
- Floorplan is inefficient
- No ability to expand square footage





## Current Building Deficiencies

**Fitzpatrick Engineering Group, PLLC**  
**Douglas G. Fitzpatrick, P.E., LEED AP**

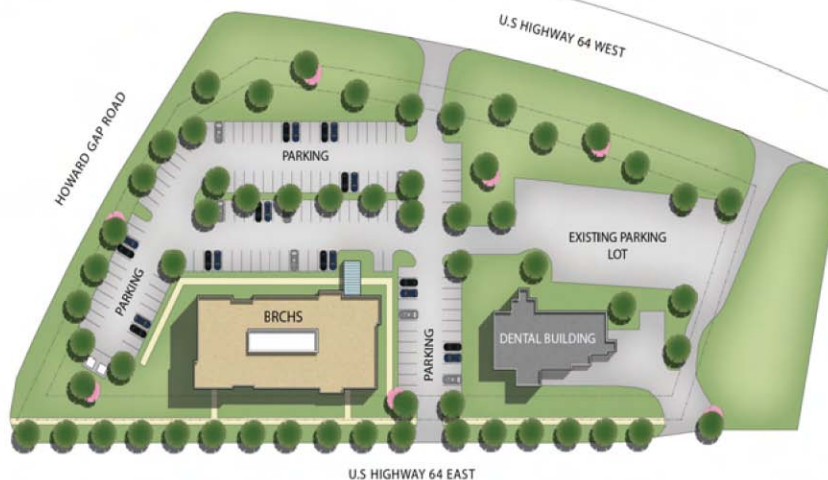


- ...several eaves and fascias at the roofs have separations in the metal siding allowing water and animals to enter the building.
- ...water damage evident...at locations of the fascia and tails of the roof trusses.
- ...roofing membrane...shrinking and pulling away from the building.
- ...evidence of multiple habitations by animals...animal droppings and nests.
- ...electrical wiring chewed down to expose bare metal.
- ...poor air circulation and moisture build up.
- ...most interfaces...floor levels do not align.
- ...Soft floor areas. Soft floor areas can cause structural failure and create opportunity for employees or patients to fall through floor supports.
- ...ongoing water infiltration...numerous leaks in the building.
- ...black mold. Sick building.
- “...conditions pose a long term health concern for the tenants and the structure.”



### SITE PLAN

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**BLUE RIDGE COMMUNITY HEALTH SERVICES**  
**MEDICAL BUILDING** HENDERSONVILLE, NORTH CAROLINA - JUNE 2009



SCHEMATIC ELEVATION

1



NORTH ELEVATION



GRESHAM  
SMITH AND  
PARTNERS

BLUE RIDGE COMMUNITY HEALTH SERVICES  
MEDICAL BUILDING

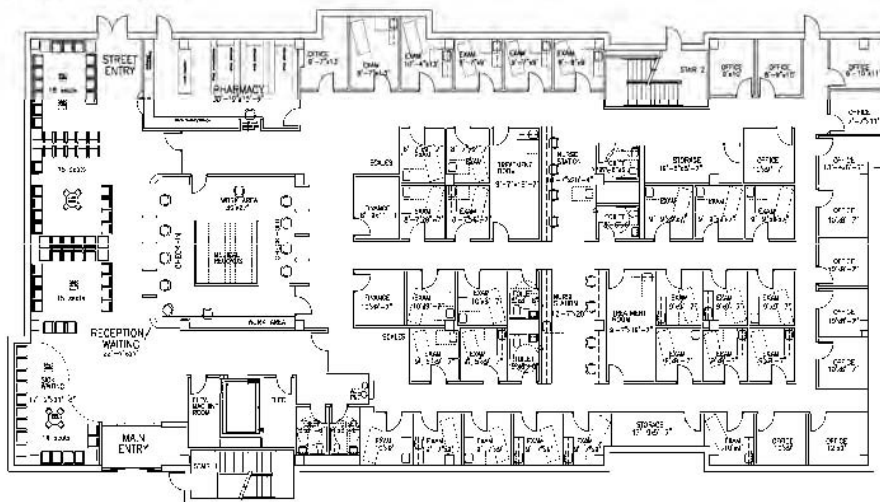
HENDERSONVILLE, NORTH CAROLINA | JUNE 2009



Blue Ridge  
Community Health Services

FIRST FLOOR PLAN

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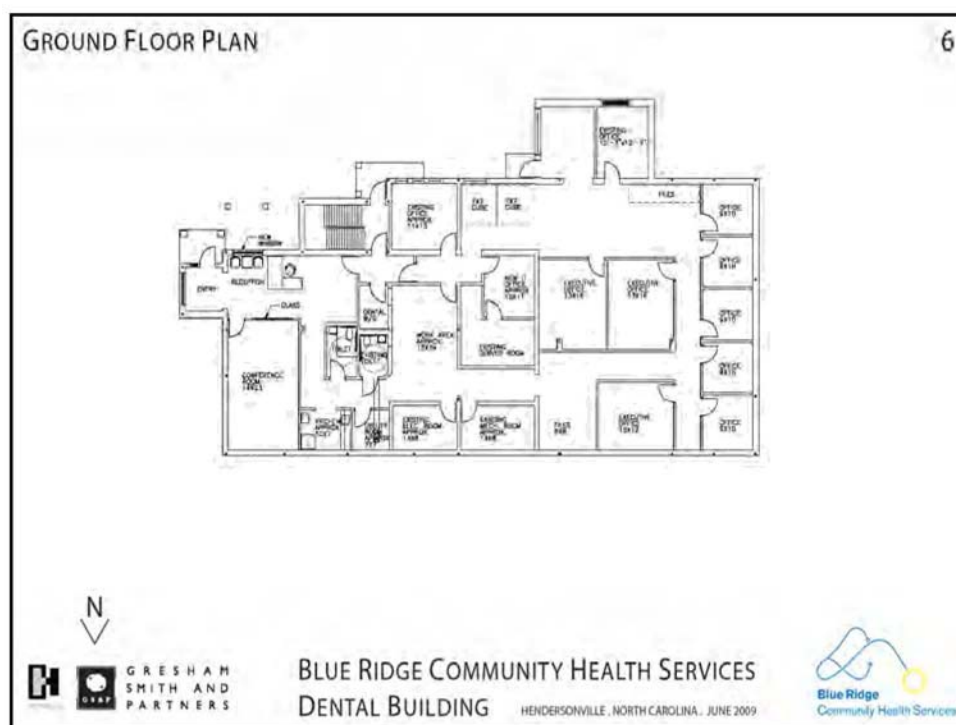
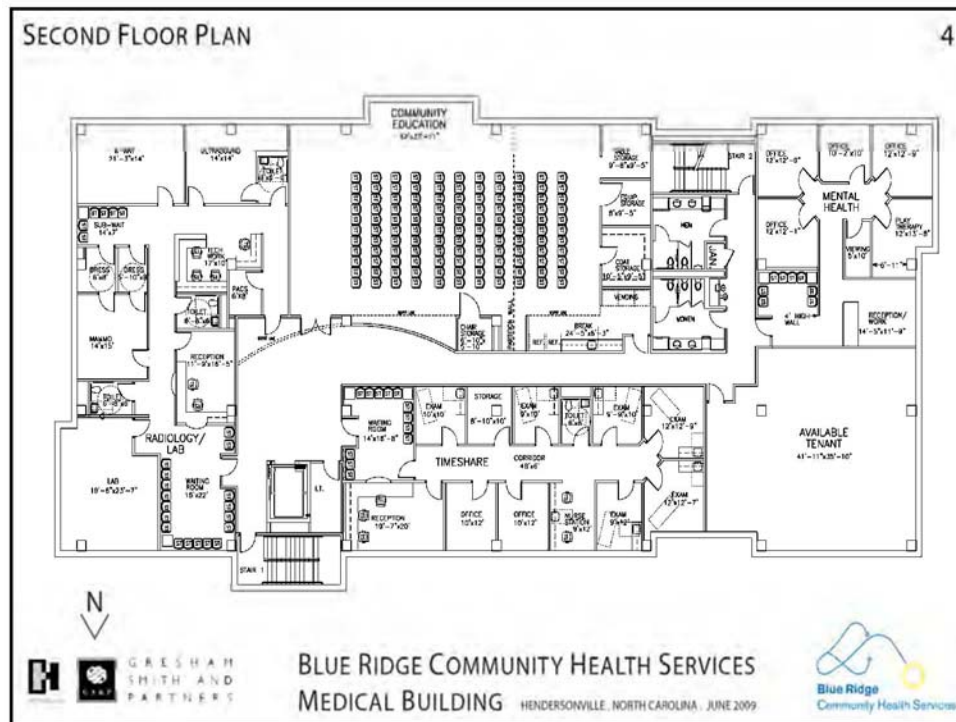
GRESHAM  
SMITH AND  
PARTNERS

BLUE RIDGE COMMUNITY HEALTH SERVICES  
MEDICAL BUILDING

HENDERSONVILLE, NORTH CAROLINA | JUNE 2009



Blue Ridge  
Community Health Services



Chairman Moyer asked Ms. Henderson if we go to Universal Healthcare and Blue Ridge Community Health Services are serving un-insured what is the future of Community Health Centers.

Ms. Henderson responded that because there is a network of community health centers (26 in the State of North Carolina) it appears that the strategy is that community health centers will be the first core structure, the network already established.

Chris Hoge, CEO for Pardee Hospital, stated that the hospital is working with Jennifer to find a way to partner with them as they provide a great value for patients in this community.

## Budget

Hard Construction Costs	\$5,256,100
Soft Costs (Architect/Engineer/Planning)	1,529,257
Furnishings, Fixtures & Equipment	600,000
<b>Total Project Costs:</b>	<b>\$7,385,357</b>



**Blue Ridge**  
Community Health Services



**ECONOMIC DEVELOPMENT COALITION** for Asheville-Buncombe County

## Economic Impact

### Construction Impact

*The economic activity generated from construction of the BRCHS New Medical Building will support 104 jobs in Henderson County. Construction activity will add \$3.7 million dollars in income to the county. Tax revenues will increase by \$974,000; \$666,000 as Federal collections, and \$307,000 as state/local collections.*

### On-Going Impact

*The additional economic activity generated from on going operations of the BRCHS New Medical Building will annually support a total of 23 jobs in Henderson County (15 direct jobs and 8 indirect jobs). On going operations will annually add \$1.2 million dollars in income to the county (\$955,000 direct and \$277,000 indirect). Tax revenues will annually increase by \$323,000; \$226,000 as Federal collections and \$97,000 as state/local collections.*



**Blue Ridge**  
Community Health Services





**Funding**

ARRA Facility Investment Program	\$ 5,000,000**
Fundraising & Capital Campaign	\$ 2,000,000

\*\*Competitive Grant Process    Area support is *critical*

 **Blue Ridge**  
Community Health Services

*Commissioner Williams made the motion that the Board moves forward and show support for the project as it has been presented, recognizing the benefits that Blue Ridge provides for our community. All voted in favor and the motion carried.*

### **BROADBAND STIMULUS FUNDING**

Assistant County Manager Selena Coffey stated as the Board of Commissioners may be aware, the American Recovery and Reinvestment Act of 2009 has appropriated \$7.2 billion and directed the Department of Agriculture's Rural Utilities Service (RUS) and the Department of Commerce's National Telecommunications Information Administration (NTIA) to expand broadband access to un-served and underserved communities across the U.S., increase jobs, spur investments in technology and infrastructure, and provide long-term economic benefits. The programs developed through the Act will make loans and grants for broadband infrastructure projects in rural areas, public computer centers and sustainable broadband adoption projects.

Because staff continues to gather updated information regarding this broadband stimulus funding, no information was provided in the agenda.

IT Director Becky Snyder shared the following information via a power-point presentation.

American Recovery and Reinvestment Act of 2009  
NTIA and RUS Grants for Broadband Internet

- American Recovery and Reinvestment Act of 2009 appropriated \$7.2 billion
  - ❖ Directed the Department of Agriculture's Rural Utilities Service (RUS) and The Department of Commerce's National Telecommunications Information Administration (NTIA) to:
    - Expand broadband access to non-served and underserved communities
    - Increase jobs
    - Spur investments in technology and infrastructure
    - Provide long-term economic benefits
- The result if the RUS Broadband Initiatives Program (BIP) and the NTIA Broadband Technology Opportunities Program (B-TOP).



#### NTIA and RUS Grants for Broadband Internet

- NTIA's B-TOP grants can be applied for by state and local government or by non-profit organizations.
  - ❖ Other entities, including broadband and infrastructure providers, may qualify if the NTIA finds that funding them would be in the public interest.
  - ❖ At least one grant is to be awarded in each state. Federal share of any project may not exceed 80% unless the applicant can qualify for a waiver that demonstrates financial need.
- RUS's BIP grants and loans are available in areas that are at least 75% rural, without sufficient access to high speed Internet service to facilitate economic development.
- NTIA and RUS are to coordinate with agencies with similar grant programs to determine if there are ways to consolidate resources and efforts during the planning, award, and post-award stages of the grant cycle.
- Grants must be awarded by September 30, 2010 and all projects must be completed by September 30, 2012.

#### Current Status of broadband service in Henderson County

- E-NC's ([www.e-nc.org](http://www.e-nc.org)) most recent statistics are for the year 2007.
  - ❖ 78.17% of households had access to cable internet, and 78.80% of households had access to DSL through AT&T or Saluda Mountain Telephone Company.
  - ❖ E-NC also noted that Henderson county residences with a clear view of the southern sky had access to satellite internet services.
  - ❖ No evaluation was made at that time of mobile wireless broadband service availability through cellular providers.
- E-NC also reports on publicly available internet access sites including all branches of Henderson County Public Library.
- The report "North Carolinians Online" published by Kenneth Wilson, PH.D., East Carolina University, November 2008 (<http://www.e-nc.org/pdf/Finalcitizenssurveyreport2004.pdf>), covers surveys conducted between 1999 and 2008 documenting access to Internet in NC.
- The latest study showed that overall 80% of households have a home computer and about 70% of households have subscriptions to home Internet access in NC.
- About 79% of the survey respondents with Internet subscriptions have high speed or broadband service. Note: this report reflects actual subscriptions, not availability, of broadband or high speed Internet service.
- Connect Nation ([www.connectednation.org](http://www.connectednation.org)) posted broadband availability mapping for NC on July 9 (<http://www.connectrednation.org/documents/CNPressReleaseNorthCarolinaMapping080909FINAL.pdf>) providing the most up-to-date information on broadband availability in NC.
- This information will provide documentation for need in the stimulus grant application process.
- Henderson County maps are available at <http://www.connectednation.org/documents/CNPressReleaseNorthCarolinaMapping070909FINAL.pdf>
- Connected Nation's website also provides an interactive map that allows a user to enter an address and get details of broadband service that is available ([http://www.connectnorthcarolina.org/mapping/interactive\\_map.php](http://www.connectnorthcarolina.org/mapping/interactive_map.php))

#### Current Status of grant applications impacting broadband service in Henderson County

- ERC Broadband, a part of the Education and Research Consortium of the Western Carolina, Inc (ERC), a non-profit 501 (c)(3) organization, is looking into including Henderson County in NTIA and RUS grant requests related to providing improved broadband service to 9 counties in western NC.
- Focus of the ERC is to further economic development in the Western Carolinas through education, infrastructure, and capital development.
- ERC Broadband intends to include two fiber optic broadband paths into Henderson County in their grant request.



- ERC Broadband is mainly a “middle mile” (service to vendors who then extend the service to end users) broadband provider, but they are attempting to partner with some local companies to include “last mile” (to the end user’s door) coverage in the grant application.
- ERC Broadband has been in discussions with Land-of-Sky Regional Council regarding having Land-of-Sky Regional Council act as their fiscal agent in the grant project.
- ERC Broadband is working to review the NTIA guidelines and prepare the first grant application by the August 14 deadline.

Assistant County Manager Selena Coffey stated that this is not broadband that individuals purchase but broadband money that comes through another agency and down to the providers.

Chairman Moyer stated that Henderson County is “shovel ready” for this project and the Board has been pushing this for years. He requested Mrs. Snyder find out if there is anything else the Board needs to do to get the project going.

### **HENDERSONVILLE TROLLEY REQUEST**

It was requested that the Board discuss the funding request made during the Informal Public Comments section of the July 6<sup>th</sup> meeting, for operation of the downtown trolley. Chairman Moyer stated when the budget was presented the Board decided not to put any money in the budget this year for the trolley.

It was the consensus of the Board to send a letter indicating that the trolley was considered but a decision was made not to fund it for this coming year.

Commissioner Young noted that Travel & Tourism does not receive any county tax dollars; they operate solely off of room tax dollars.

### **FINANCIAL UPDATE**

County Manager Steve Wyatt provided the Board of Commissioners with an update on the financial position of the County’s General Fund for the fiscal year ended June 30, 2009.

Finance Director Carey McLelland stated that total revenues as of the prior week were just over \$106 million or 90% of the \$118 million budget. What is included in the revenue budget is a little over \$1.1 million of the appropriated fund balance. Sales tax comes in 2 ½ months after the fact so the month of April sales tax had just arrived. April’s sales tax number is \$1,652,000 which is approximately \$150,000 more than what was received in March. He expected to add at least the same amount for May and June which would add another \$5 million to the total year-to-date revenue totaling \$111 million. On the expenditure side almost all of the bills have been paid with only a few minor bills remaining for services in June that the bills are received in July. As of the end of June we are in good financial shape with excess revenues to cover all expenditures in the general fund for last year without having to use any of the appropriated fund balance; we may even add a little to the fund balance. The appropriated fund balance was \$1,117,000. An un-audited updated report will be provided at the August 3, 2009 meeting.

### **CITY OF SALUDA REQUEST**

The Board is requested to begin discussions on a request from the City of Saluda with respect to future water supply needs for the City. Specifics on the request were provided. Depending on the direction from the Board, Staff recommends that the Board consider scheduling a public hearing to receive input on this request.

This item was rolled to a future meeting.

Chairman Moyer noted at the last Water Supply and Distribution Task Force meeting the committee discussed what issues the Task Force would be involved with and how they wanted to address them. A list was derived including water issues in the southern end of the county. The committee may or may not make recommendations to the LGCCA and Commissioners.

**POLK COUNTY REQUEST**

The Board is requested to begin discussions on a request from Polk County with respect to the Green River Watershed and water supply to Henderson County. Specifics on the request were provided. Depending on the direction from the Board, Staff recommends that the Board consider scheduling a public hearing to receive input on this request.

*Commissioner McGrady made the motion that the Board schedules a public hearing with respect to the request from Polk County for 7:00 p.m. on Tuesday, August 25, 2009. All voted in favor and the motion carried.*

**BREAK**

A break was taken to change video tapes.

**DISCUSSION OF THE DRAFT ETOWAH AND HORSE SHOE COMMUNITIES PLAN**

Planning Director Anthony Starr stated the Etowah and Horse Shoe Communities Advisory Committee completed a Draft Etowah and Horse Shoe Communities Plan in February 2009. The Board of Commissioners held a workshop to discuss the Draft Plan on March 26, 2009 followed by a public hearing May 7, 2009. During the public hearing the Board of Commissioners suggested certain recommendations and action strategies proposed by the Draft Plan should be amended prior to adoption of the Draft Plan. Staff received the recommendations and action strategies based on comment received from the Board during the public hearing.

The revised recommendations and action strategies are grouped by the organization primarily responsible for implementation (County or Other Agency). For example, many of the transportation recommendations would be forwarded to NCDOT by planning staff for consideration and implementation. Recommendations and action strategies related directly to the Land Development Code are separated from other recommendations to be implemented by the County.

Chairman Moyer felt the plan was a good start but still did not satisfy all of the issues. When grouping the items the Commissioners would need to be in a position to know what they would be responsible for, what they will be moving forward with right away or what may be done later and what actions or recommendations they would allow to sit until something else happens. He felt that some of the items should be in a different group. There are some suggestions which are good ideas that can be taken into consideration at the appropriate time.

County Manager Steve Wyatt stated that the Board would need to set the timeframes for each issue but it would be useful if the Planning Staff would put together a calendar to coincide with the strategic plan.

Chairman Moyer felt a policy decision would need to be made in regards to having different regulations for each of the communities.

Commissioner McGrady stated that when the process began he felt that the Board would receive a series of recommendations that might be incorporated in an overlay district. When the Land Development Code was adopted the Board specifically provided for the potential of flexing the Land Development Ordinance to reflect the unique character of various parts of the county. The transportation recommendations should be sent to the Transportation Advisory Committee and further communicating the issues with the MPO representatives of the various cities. Commissioner McGrady would like to see the Board take the initial work completed by staff and divide it into areas where some are referred to the appropriate board or committee.

Commissioner Williams noted that as the Commissioners continue with different communities we will see a "wish list"; libraries, bike trails, etc. All of these projects have a cost. He felt some of the issues should be handled as capital projects.

Chairman Moyer stated that any projects completed by the county would be funded by the county and some of the issues carry a major expense.

Commissioner Young suggested a special tax rate (service tax) to implement certain projects.

County Manager Steve Wyatt stated this is a complex issue and he would like to follow up with each Commissioner individually, compile the information and develop a schedule of work based on discussions. Prioritization is the most important thing at this time. In reference to the service taxes he felt that more research was necessary in regards to what you can do with service taxes.

Chairman Moyer felt that if people thought the county would be taxing them to do certain projects, the people would prefer to have their own municipality.

### **ARCHITECT SELECTION AND AGREEMENT – LAW ENFORCEMENT CENTER AND RENOVATIONS TO OLD HEALTH BUILDING, KING STREET BUILDING & 1995 COURTHOUSE**

Assistant County Manager Selena Coffey stated this item is a follow-up to previous conversations by the Board in the past couple of months. This agenda item contains two separate sections; consideration for section two is only applicable if section one receives approval from the Board.

#### **Section One**

As directed by the Board with approval of the subject projects, Engineering staff solicited architectural firms to perform the following architectural functions: programming, design and construction administration for the proposed Law Enforcement Center and the renovations for the Old Health Building, King Street Building and 1995 Courthouse.

In accordance with NC General Statute 143-64.31 (Procurement of Architectural, Engineering, and Surveying Services), staff developed a Request for Qualifications (RFQ) and posted it on the County's website. The responses were received by June 12, 2009 and the following firms submitted Statements of Qualifications: ADW Architects, Brennan Architects, CJMW, Moseley Architects, PBC&L and Ware Bonsall.

A detailed review of the firms was conducted by the selection committee based on the criteria established within the RFQ. The selection criteria are as follows: Project Team, Project Experience, Project Approach, Relationship with Funding / Regulatory Agency and Customer Service. The selection committee consisted of Selena Coffey (Assistant County Manager), Sheriff Rick Davis, Stan Duncan (Stan Assessor), Anthony Starr (Planning Director) and Marcus Jones (County Engineer). Mosley Architects was selected by the committee as the most qualified. Mosley Architects have proposed the services of a local Engineering firm, William Lapsley & Associates, to perform the site and other civil engineering functions of the project.

Upon approval of Mosley Architects as the most qualified firm by the Board of Commissioners and in order to expedite the project schedule, staff has negotiated with Mosley Architects to develop a proposed agreement. This agreement is submitted with the agenda.

#### **Section Two**

With the approval of Mosley Architects as the most qualified responding Architect for the subject project during the previous section, Engineering staff has negotiated the proposed agreement with Mosley Architects. The scope of services is to perform the programming, design and construction administration for the proposed Law Enforcement Center and the renovations for the Old Health Building, King Street Building and 1995 Courthouse. Mosley Architects has stated within their proposal that they will be hiring William Lapsley and Associates, a local engineering firm, to do some work within this project as well.

The proposed agreement with Mosley Architects is for \$385,000. The funds for the work are approved in the FY2010 Budget. The schedule in the agreement has the design complete and ready for bid by

December 2009. For perspective and as consistent with the current design and construction industry, the agreement represents a significant savings for Henderson County at 5% of the estimated construction cost. The typical fee would normally fall in the range of 8 to 10% or a savings from \$250,000 to \$385,000. For example, the Human Services Building and the Historic Courthouse fees with costs around \$10,000,000 were at 9% and 10% respectively.

Staff suggests that the Board authorizes the selection of Mosley Architects as the most qualified responding Architectural firm to conduct the programming, design and construction administration for the proposed Law Enforcement Center and the renovations for the Old Health Building, King Street Building and 1995 Courthouse. Then pending approval of the selection of Mosley Architects authorizes the County Manager to execute the proposed agreement for \$385,000 with Mosley Architects to perform the programming, design and construction administration for the proposed Law Enforcement Center and the renovations for the Old Health Building, King Street Building and 1995 Courthouse.

Chairman Moyer felt that the first issue, as he has indicated before, is lumping all of the projects together which precludes local architects from having an opportunity to bid. He further felt that the Old Health Department Building, King Street Building and 1995 Courthouse are clearly projects that are within the scope and abilities of local architects.

Commissioners Williams and Young favored giving opportunity to local businesses for the Old Health Department Building, King Street Building and 1995 Courthouse. They were in favor of Mosley Architects handling the Law Enforcement Center.

Commissioner McGrady would like to use a professional architect at the cheapest cost possible. He was not in favor of awarding contracts to local architects at a more expensive rate.

Further discussion followed in regards to separate bids for local businesses and most felt that the bid should go to a business that could handle the project at the most competitive rate.

Chairman Moyer questioned if the Law Enforcement Center could be awarded to Mosley to move forward and rebid the other buildings.

County Attorney Russ Burrell stated that this would depend on whether there was an agreement with the company to do this. Architectural engineering services are not bound by the exact same competitive bidding and the Board can deal with them differently on a Request for Bid basis. Once the Board has received the qualifications and made analysis of which company best fits the project, the contract is negotiated.

County Manager Steve Wyatt stated if it is the Board's desire to negotiate with Mosley for the Law Enforcement Center, we basically have a tentative agreement to do so. He does not feel the need is there to go through the process again for that portion. If it is the Board's desire to break out the other projects, a new process would begin.

Mr. Burrell suggested placing alternative requests for qualifications on joining the remaining projects together or separate.

Chairman Moyer stated that Mosley could bid by adding it to their existing contract. The remaining businesses could bid separately or lumping the remaining projects together.

*Commissioner McGrady made the motion that the Board authorizes the selection of Mosley Architects as the most qualified responding Architectural firm to conduct the programming, design and construction administration for the proposed Law Enforcement Center. All voted in favor and the motion carried.*

*Commissioner McGrady made the motion that the Board authorizes the County Manager to enter into negotiations with Mosley Architects with respect to performing the services for the proposed Law*

*Enforcement Center and to submit that contract back before the County Commission following the negotiations. All voted in favor and the motion carried.*

*Commissioner McGrady made the motion that the Board directs the County Manager to issue RFQ with respect to the renovations of the Old Health Department Building, King Street Building, and the 1995 Courthouse with the understanding that firms responding to the RFQ being asked to bid either/or on one or more of the projects or the entire group of projects at the same time. All voted in favor and the motion carried.*

#### **APPROVAL OF CONSTRUCTIONS MANAGER'S CONTRACT**

County Attorney Russ Burrell stated a draft Construction Manager contract, based on the Board's previous approval of the employment of David H. Berry and Associates, LLC, was provided. This contract is a slightly revised version of the Construction Manager contract. Mr. Burrell spoke with David H. Berry the day prior and made several changes. The agreement is for \$6,000.00 a month for Mr. Berry's service as a construction manager. The changes were made primarily to conform to the proposal Mr. Berry submitted and the current contract, and to change some limits on insurance. There is a 30 day notice provision that either party can terminate the agreement should they choose to do so. The contract would go into effect immediately.

Commissioner McGrady questioned why there were two termination clauses.

Chairman Moyer and Commissioner McGrady suggested making article 9.4 N/A and changing 9.5 to "Either party may terminate this Agreement upon not less than 30 days' written notice", etc.

*Commissioner Young made the motion that the Board approves the draft Construction Manager's contract with changes discussed and authorizes the Chairman to sign. All voted in favor and the motion carried.*

#### **SEWER UTILITY EXTENSION – ROLLING RIDGE, INC. IN DANA COMMUNITY**

Planner Matt Cable stated the City of Hendersonville has requested that the County comment on a proposed sewer utility extension for Rolling Ridge Inc., in the Dana Community. The proposed Phase I sewer utility extension includes 5,885 feet of sewer line (4,275 feet in force main and 1,610 feet in gravity) and one (1) 3000 gallon per day sewer lift station. Phase I will service existing commercial sites, the Dana Fire Department, Dana Post Office, Refuge Baptist Church and other properties in the Dana community. The proposed sewer line will run along Sugarloaf Road, Howard Gap Road, Old Dana Road, and Ridge Road. The line will pass through the R2R District, an Industrial District, and a Local Commercial District. Public water is currently not provided in the Phase I sewer service area and appears to be located approximately 2,475 feet (0.47 miles) north along Ridge Road.

The CCP Future Land Use Map identified the sewer utility extension as traversing the Urban Services Area, Rural Transition Area, and Community Service Center designations. The Phase I sewer service area is located within the identified Community Service Center at the Dana Road and Upward / Ridge Road intersection. The CCP states that, "Sewer and water infrastructure investments should be focused within the USA first and foremost.

Phase II (not part of this request) will service properties adjacent to the Dana Community center owned by Rolling Ridge, Inc., and proposed to include a mixed use development of approximately 250 residential units. According to the Henderson County 2020 Comprehensive Plan (CCP) the proposed sewer utility extension will traverse the Urban Services Area, Rural Transition Area, and a Community Service Center. The proposed Phase I sewer service area is within a designated Community Service Center.

Additional comments from the County Planning Department, the City of Hendersonville Project Summary sheet and accompanying documentation from the project engineer, Bill Lapsley of William G. Lapsley and Associates, P.A. were provided.

Commissioner McGrady had no problem with extending sewer to the fire department, post office, church and properties in question. He was concerned with the ability to expand the sewer extension because it obviously goes through parts of the county that we do not currently believe should be subject to dense development. If water and sewer are provided it may promote development. He questioned if there was information as to whether or not this line would be easily expanded into the areas that are R2R immediately surrounding the Commercial nub.

Engineer William Lapsley responded on behalf of the applicant, Rolling Ridge Inc., stating that the project is split into two phases. The First phase would provide service to a very limited area. The project is split into two phases because there is an existing sewer force main which was designed specifically for the school and not any additional waste water from any other development. It has a very limited capacity. His opinion is that it has sufficient capacity for the phase I area near the Dana intersection. Should additional development occur in the Dana intersection it would be necessary to build the section phase portion of the project. The applicant is a substantial land owner in the area that is zoned on the map LC. In that area the Land Development Code has provisions that under certain conditions allowances are made for higher density development. Therefore this is the reason for the recommendation of a phase II project. If the owner / applicant chose to submit a plan for higher density development within that LC area, the phase II project would be of an adequate size to serve proposed future development. Phase II would be designed to incorporate additional flow from the area zoned LC but not for the entire Dana Community out into the lower density area.

Commissioner McGrady noted that the line also extends through an industrial area and questioned if this line would be useable for the areas zoned for industry.

Mr. Lapsley stated that it is a proposed six (6) inch force main which has substantially more capacity than the existing three (3) and four (4) inch line from the Dana School. The line has a limitation on it, but he suspects that in the industrial area if it was a light industry situation it would be more than adequate. It would not be adequate for a very high water user. The applicant is proposing this project at his total expense which would benefit the Dana Fire Department, the post office, and a number of other buildings. The Phase II part of the project is where the benefit is to the applicant. Both phases are tied together and if the Board chooses not to approve Phase II, Mr. Lapsley was not sure if the applicant would continue with Phase I.

Commissioner McGrady felt that the applicant is doing the community a favor by proposing to put in sewer. He has in favor of Phase II with the clear understanding that it is within the LC District. It would also be a benefit for industrial use. Commissioner McGrady is concerned that this will be approved and in a relatively short period of time a proposal is received to rezone a portion that the Board wishes to keep more rural in nature.

Chairman Moyer stated there is always the potential of this occurring but he felt that with sewer capacity there are limiting factors.

Commissioner Williams noted the church was included and questioned if their Family Life Center could be added.

Mr. Lapsley stated they were trying the limit the area when looking at the potential waste water volumes coming from within that area. It is possible to add the additional parcel. Mr. Lapsley noted that his client contributed \$99,000 plus toward the initial construction of the sewer line going to Dana School and as a result has no benefit from it at all.

*Commissioner Williams made the motion that the Board approves the Rolling Ridge, Inc. sewer utility extension and directs staff to convey the County's comments to the City of Hendersonville but also to consider including in that area the parcel lying to the North and East of the area identified that would*



*include parcel containing the Refuge Baptist Church Family Life Center. All voted in favor and the motion carried.*

### **COMPRESSED NATURAL GAS TRANSPORTATION GRANT CONTRACT AND TRANSIT FUND BUDGET AMENDMENT**

Planning Director Anthony Starr stated that staff received a draft contract from the North Carolina Department of Transportation (NCDOT) for receipt of \$610,500.00 in STP-DA funding. Because this decision was not made until mid June by the MPO this was not included with the department budget for the public transit program. It is anticipated the contract will be finalized in mid-August. The draft contract provided includes standard language for construction of a compressed natural gas (CNG) fueling station. The final contract will also include requirements for procurement and use of a 29 foot CNG transit bus. The final project budget will include an estimated \$320,500.00 for NCG station construction, \$255,000.00 for a bus, and \$35,000.00 for engineering and inspection services.

NCDOT will require Henderson County to demonstrate substantial progress in preparing specifications and bid advertisements by the end of August. In order to streamline the process, Staff is requesting the Board of commissioners authorizes the County Manager to approve the finalized contract with NCDOT. The Legal and Planning Departments have already submitted comments on the draft contract and will continue to work with NCDOT on the language.

It is also necessary for the Board to approve a budget amendment which appropriates the STP-DA funds to the Public Transit Program Fund. Staff recommends establishing a new revenue line in the Public Transit Fund for \$610,500.00 as shown along with corresponding increases to Public Transit Fund expense line items. It should be noted that no local revenue will be required to use the grant funds.

<u>Establish Transit Fund Revenue Line Item</u>		<u>Proposed Increase</u>
334497-455000	STP-DA Funding	\$610,500.00
<u>Increase Transit Fund Expense Line Items</u>		<u>Proposed Increase</u>
335497-555000	CNG Station Construction	\$320,500.00
335487-538100	Professional Services	\$ 35,000.00
335497-553000	Vehicle Purchase	\$255,000.00

Staff requests the Board authorizes the County Manager to approve and sign a final contract with NCDOT for STP-DA funding in the amount of \$610,500.00. Staff also requests authorization of an amendment to the FY-2010 budget, appropriating \$610,500.00 to a new revenue account within the transit fund and increasing the reference expense line items to accommodate anticipated costs of station construction, professional services, and the purchase of a new CNG bus as outlined. Staff is working under tight deadlines for the STP-DA grant and Board approval is required.

*Commissioner McGrady made the motion that the Board Authorizes the County Commissioner Chair to execute a contract with NCDOT for receipt of the STP-DA funding. He further moved that the Board approves the proposed FY-2010 budget amendment appropriating \$610,500 in funds as outlined in the Board packet. All voted in favor and the motion carried.*

### **REIMBURSEMENT RESOLUTION CONSTRUCTION FINANCING**

County Attorney Russ Burrell stated the proposed reimbursement resolutions were provided for Board consideration. These allow construction project costs incurred prior to financing to be reimbursed from the financing proceeds.

NOTE: The “not to exceed” figures in the two resolutions are not intended to accurately state the amounts of the respective project costs, but rather to act as a safe harbor number for the purpose of these resolutions only.

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*Commissioner Williams made the motion that the Board approves the two reimbursement resolutions contained in the Board packet. All voted in favor and the motion carried.*

### **STAFF REPORTS**

#### **County Attorney's Report**

There was nothing further at this time.

#### **County Manager's Report**

There was nothing further at this time.

### **IMPORTANT DATES**

#### **Edneyville Community Center Opening**

*Commissioner McGrady made the motion that the Board makes notice of a Special Called Meeting with reference to the opening of the Edneyville Community Center for Thursday, September 3rd at 10:30 a.m. at the Center. All voted in favor and the motion carried.*

#### **August 19<sup>th</sup> Meeting and Public Hearing**

*Commissioner McGrady made the motion that the Board cancels the regular scheduled meeting for Wednesday, August 19, 2009. All voted in favor and the motion carried.*

*Commissioner McGrady made the motion that the Board reschedules the Public Hearing previously scheduled for August 19<sup>th</sup> with respect to CDBG specified outlines uses to Tuesday, September 8, 2009 at 7:00 p.m. All voted in favor and the motion carried.*

### **CANE CREEK WATER & SEWER DISTRICT – no business**

### **CLOSED SESSION**

*Commissioner McGrady made the motion for the Board to go into closed session as allowed pursuant to NCGS 143-318.11 for the following reason(s):*

1. (a)(6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public office or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.

*All voted in favor and the motion carried.*

### **ADJOURN**

*There being no further business Commissioner McGrady made the motion to adjourn. All voted in favor and the motion carried.*

ATTEST:

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Teresa L. Wilson, Clerk to the Board

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William L. Moyer, Chairman